

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE L. MADRIGAL,

Defendant.

8:04CR425

ORDER

This matter is before the court on the motion of Mark W. Bubak to withdraw as counsel for defendant Jose L. Madrigal (Madrigal) (Filing No. 53). The court held a hearing on the motion on April 22, 2005. Madrigal was present with Mr. Bubak and the government was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Jose Pina, a certified interpreter in the Spanish language, served as the interpreter by remote telephone hook-up. During an in camera discussion with Madrigal and Mr. Bubak, it was determined that Madrigal was satisfied with Mr. Bubak's counsel on the instant criminal case but wanted Mr. Bubak to represent him on immigration related matters. When the court informed Madrigal that Mr. Bubak was not appointed to represent him other than for these proceedings, Madrigal expressed satisfaction with Mr. Bubak's counsel.

Following the in camera proceeding, Mr. Bubak stated on the record that Madrigal did not wish to enter a plea of guilty as previously arranged. **See** Filing No. 52. Mr. Bubak requested additional time to prepare for trial. Madrigal concurred in the motion and stated he understood the additional time would be excluded under the Speedy Trial Act.

IT IS ORDERED:

1. Mr. Bubak's motion to withdraw (Filing No. 53) is denied.
2. The change of plea hearing scheduled for April 27, 2005, is **canceled**.
3. The oral motion for additional time to prepare for trial is granted. Trial of this matter is scheduled to commence before Chief Judge Joseph F. Bataillon and a jury **on May 31, 2005**. The ends of justice have been served by granting such motion and

outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 22, 2005, and May 31, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of April, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge